

**UNOFFICIAL VERSION**

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**MONDAY, APRIL 2, 2012**

**SIXTY-SIXTH LEGISLATIVE DAY**

**CALL TO ORDER**

The Senate met at 5:00 p.m., and was called to order by Mr. Speaker Ramsey.

**PRAYER**

The proceedings were opened with prayer by Reverend Allen Black of Hermitage United Methodist Church in Hermitage, Tennessee, a guest of Senator Haynes.

**PLEDGE OF ALLEGIANCE**

Senator Haynes led the Senate in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 32

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

**COMMUNICATION**

TO: Lt. Governor Ron Ramsey  
FROM: Senator Reginald Tate  
DATE: March 29, 2012  
RE: Excused from Session

Because I will be out of state on Monday, April 2, 2012, I am requesting permission to be excused from Session.

Thanking you in advance.

APPROVED: Lieutenant Governor  
Ron Ramsey

**PRESENTATION**

Senator Crowe introduced the Silverbacks football team to the Senate.

**MOTION**

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2226, 2434, 2466, 2671, 2774, 2933, 2978, 2984, 3023, 3570, 3746, 3808 and 3858** be passed on first consideration, which motion prevailed.

**HOUSE BILLS ON FIRST CONSIDERATION**

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

**House Bill No. 2226** -- Criminal Offenses -- As introduced, criminalizes possession, use, transfer or installation of software designed to manipulate retail records of transactions for evading payment of sales tax to the state. Amends TCA Title 38; Title 39; Title 40 and Title 67.

**House Bill No. 2434** -- Wildlife Resources Commission -- As introduced, creates a vacancy for death, resignation, removal, disqualification, change of residence or persistent absence from meetings without good cause; a vacancy shall be declared if a person fails to attend six or more meetings of the commission in any one year requiring replacement by the appointing authority. Amends TCA Title 70, Chapter 1, Part 2.

**House Bill No. 2466** -- Arrests -- As introduced, requires an officer to arrest drivers involved in accidents resulting in serious bodily injury or death when such drivers lack a valid driver license and evidence of financial responsibility; prohibits the issuance of a citation in lieu of arrest in such circumstances. Amends TCA Title 39; Title 40; Title 55, Chapter 10; Title 55, Chapter 12; Title 55, Chapter 50 and Title 55, Chapter 8.

**House Bill No. 2671** -- Employees, Employers -- As introduced, clarifies that the requirement for the distribution to servers of service charges or gratuities automatically added to a bill does not apply to charges or fees paid by guests to stay at a guest ranch. Amends TCA Title 50, Chapter 2, Part 1.

**House Bill No. 2774** -- Criminal Procedure -- As introduced, increases expunction fee following the successful completion of diversion programs. Amends TCA Title 38, Chapter 6; Title 40, Chapter 32 and Title 40, Chapter 35.

**House Bill No. 2933** -- Traffic Safety -- As introduced, requires a local government to include in any new, existing, or renewed contract involving unmanned traffic enforcement cameras that the contract must conform to any changes in state law. Amends TCA Section 55-8-198.

**House Bill No. 2978** -- Judges and Chancellors -- As introduced, clarifies to which judges certain financial disclosure laws apply; clarifies that newly elected judges may practice law to wind up their practice; revises other provisions governing judges. Amends TCA Section 2-10-102; Section 17-2-112; Section 17-2-202; Section 17-1-105 and Section 23-3-102.

**House Bill No. 2984** -- Courts, Juvenile -- As introduced, makes various changes to the appointment of counsel and guardians ad litem for indigent children and defendants in juvenile court. Amends TCA Section 37-1-126 and Section 37-1-150.

**House Bill No. 3023** -- Motor Vehicles -- As introduced, increases from three to five days wherein the police, or a towing firm with possession of vehicles in the custody of police, must verify ownership of abandoned, immobile or unattended motor vehicles and notify the last registered owner. Amends TCA Title 55, Chapter 16, Part 1.

**House Bill No. 3570** -- Highway Signs -- As introduced, names segment of State Route 68 in Monroe County in honor of the late LCpl. Franklin "Frankie" Namon Watson, USMC.

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**House Bill No. 3746** -- Holidays and Days of Special Observance -- As introduced, directs the governor to annually issue an executive order designating one month each year as "Tennessee Genealogy Month". Amends TCA Title 4, Chapter 1, Part 4.

**House Bill No. 3808** -- Abortion -- As introduced, enacts the "Life Defense Act of 2012". Amends TCA Title 37, Chapter 10, Part 3; Title 39, Chapter 15, Part 2 and Title 68.

**House Bill No. 3858** -- Harriman -- As introduced, subject to local approval, moves the city election to coincide with the August general election beginning in 2014; extends the two-year term of office of officials elected in the June, 2011 election to the first day of September, 2014 following the August election. Amends Chapter 49 of the Acts of 1891; as amended.

### MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 3808 through 3811** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

### SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

**Senate Bill No. 3808** Local bill -- held on desk.

**Senate Bill No. 3809** Local bill -- held on desk.

**Senate Bill No. 3810** Local bill -- held on desk.

**Senate Bill No. 3811** Local bill -- held on desk.

### MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 727 through 732** be passed on first consideration and lie over, which motion prevailed.

### INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

**Senate Joint Resolution No. 727** by Senators Barnes and Herron.  
Memorials, Academic Achievement -- Dakota Scott Rakestraw, Valedictorian, Stewart County High School.

**Senate Joint Resolution No. 728** by Senators Barnes and Herron.  
Memorials, Academic Achievement -- Clarissa Hsin en Wu, Salutatorian, Stewart County High School.

**Senate Joint Resolution No. 729** by Senators Massey, Campfield and McNally.  
Memorials, Professional Achievement -- Dr. Harry McSween, J. Lawrence Smith Medal.

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**Senate Joint Resolution No. 730** by Senator Yager.

Memorials, Recognition -- Mary Ann Duncan, 2012 Super Senior.

**Senate Joint Resolution No. 731** by Senator Overbey.

Memorials, Recognition -- Joseph A. Swann.

**Senate Joint Resolution No. 732** by Senator Overbey.

Memorials, Death -- Tutt S. Bradford.

**MOTION**

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 828, 829, 831 through 838 and 845; Senate Joint Resolutions Nos. 722, 723, 725 and 726;** and **Senate Resolutions Nos. 92 and 93** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

**RESOLUTIONS LYING OVER**

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

**House Joint Resolution No. 828** -- Memorials, Recognition -- Ducks Unlimited, 75th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 828 to the Committee on Calendar.

**House Joint Resolution No. 829** -- Memorials, Academic Achievement -- Alina-Sarai Gal-Chis, Salutatorian, Wilson Central High School.

The Speaker announced that he had referred House Joint Resolution No. 829 to the Committee on Calendar.

**House Joint Resolution No. 831** -- Memorials, Death -- Paul Eugene "Gene" Johnson.

The Speaker announced that he had referred House Joint Resolution No. 831 to the Committee on Calendar.

**House Joint Resolution No. 832** -- Memorials, Recognition -- The University of Tennessee, Knoxville, College of Business Administration.

The Speaker announced that he had referred House Joint Resolution No. 832 to the Committee on Calendar.

**House Joint Resolution No. 833** -- Memorials, Professional Achievement -- Heather Hayes, Mid-Cumberland Regional High School Teacher of the Year, Centennial High School.

The Speaker announced that he had referred House Joint Resolution No. 833 to the Committee on Calendar.

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**House Joint Resolution No. 834** -- Memorials, Professional Achievement -- Tiffany Wilson-Mobley, Elementary Teacher of the Year, Williamson County.

The Speaker announced that he had referred House Joint Resolution No. 834 to the Committee on Calendar.

**House Joint Resolution No. 835** -- Memorials, Death -- Tutt S. Bradford.

The Speaker announced that he had referred House Joint Resolution No. 835 to the Committee on Calendar.

**House Joint Resolution No. 836** -- Memorials, Recognition -- Donald W. Blocker.

The Speaker announced that he had referred House Joint Resolution No. 836 to the Committee on Calendar.

**House Joint Resolution No. 837** -- Memorials, Recognition -- The Farmers Bank.

The Speaker announced that he had referred House Joint Resolution No. 837 to the Committee on Calendar.

**House Joint Resolution No. 838** -- Memorials, Recognition -- Village Drugs.

The Speaker announced that he had referred House Joint Resolution No. 838 to the Committee on Calendar.

**House Joint Resolution No. 845** -- Memorials, Recognition -- Middle Tennessee State University, 100th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 845 to the Committee on Calendar.

**Senate Joint Resolution No. 722** -- Memorials, Public Service -- Senator Andy Berke.

The Speaker announced that he had referred Senate Joint Resolution No. 722 to the Committee on Calendar.

**Senate Joint Resolution No. 723** -- Memorials, Recognition -- Taylor Lindsay, 2011 Miss Polk Salad.

The Speaker announced that he had referred Senate Joint Resolution No. 723 to the Committee on Calendar.

**Senate Joint Resolution No. 725** -- Memorials, Congress -- Urges Congress to enact legislation to modernize the Toxic Substances Control Act of 1976.

The Speaker announced that he had referred Senate Joint Resolution No. 725 to the Committee on Finance, Ways and Means.

**Senate Joint Resolution No. 726** -- Memorials, Death -- J.H. "Tommy" Dykes.

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The Speaker announced that he had referred Senate Joint Resolution No. 726 to the Committee on Calendar.

**Senate Resolution No. 92** -- Memorials, Recognition -- John Baer.

The Speaker announced that he had referred Senate Resolution No. 92 to the Committee on Calendar.

**Senate Resolution No. 93** -- General Assembly, Confirmation of Appointment -- Jeffery Clay Lewis, Tennessee Peace Officer Standards and Training (POST) Commission.

The Speaker announced that he had referred Senate Resolution No. 93 to the Committee on Judiciary.

**MOTION**

Senator Burks moved that **Senate Bill No. 2978** be considered next, out of order, which motion prevailed.

**CALENDAR**

Senator Burks moved that **Senate Bill No. 2978** be rereferred to the Committee on Calendar, which motion prevailed.

**NOTICES**

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2609, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2723, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

March 29, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2838, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**CONSENT CALENDAR NO. 1**

**Senate Joint Resolution No. 712** -- Memorials, Retirement -- Col. David L. Evans.

**Senate Joint Resolution No. 713** -- Memorials, Recognition -- Hannah Rials, 2012 Youth Leadership Award.

**Senate Joint Resolution No. 714** -- Memorials, Recognition -- Virginia Hardwick, 2012 Community Leadership Award.

**Senate Joint Resolution No. 715** -- Memorials, Recognition -- Steve Bowers, Jackson's Man of the Year.

**Senate Joint Resolution No. 716** -- Memorials, Recognition -- Joseph and Odette Novak, Pickett Care and Rehab Hall of Fame.

**Senate Joint Resolution No. 717** -- Memorials, Recognition -- James D. Cope.

**Senate Joint Resolution No. 718** -- Memorials, Death -- Fred White, Jr.

**Senate Joint Resolution No. 719** -- Memorials, Recognition -- Roane State Community College.

**Senate Joint Resolution No. 720** -- Memorials, Recognition -- The Singing Cookes, 50th anniversary.

**Senate Joint Resolution No. 721** -- Memorials, Public Service -- Senator Roy Herron.

**House Joint Resolution No. 811** -- Memorials, Retirement -- Dr. Robert R. Bell.

**House Joint Resolution No. 813** -- Memorials, Recognition -- John Howard Dunn.

**House Joint Resolution No. 814** -- Memorials, Recognition -- Mary Kate Bell, 2012 Tennessee Fairest of the Fair.

**House Joint Resolution No. 815** -- Memorials, Recognition -- Arlington High School dance teams.

**House Joint Resolution No. 819** -- Memorials, Personal Occasion -- Maurice & Alma Helton, 65th wedding anniversary.

**House Joint Resolution No. 820** -- Memorials, Recognition -- Detective Kevin Grigsby.

**House Joint Resolution No. 821** -- Memorials, Professional Achievement -- Leslie Rollins, Teacher of the Year, Franklin County.

**House Joint Resolution No. 822** -- Memorials, Recognition -- The Greek Touch, 20th anniversary.

**House Joint Resolution No. 825** -- Memorials, Public Service -- Sergeant Jemice Dandridge.

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**House Joint Resolution No. 826** -- Memorials, Recognition -- Military Officers Association of America.

**House Joint Resolution No. 827** -- Memorials, Recognition -- Cocke County NJROTC.

Senator Faulk moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**MOTION**

Senator Faulk moved that **Senate Bill No. 2491** be rereferred to the Committee on Calendar, which motion prevailed.

**CONSENT CALENDAR NO. 2**

**Senate Bill No. 2194** -- Criminal Offenses -- As introduced, criminalizes possession, use, transfer or installation of software designed to manipulate retail records of transactions for evading payment of sales tax to the state. Amends TCA Title 38; Title 39; Title 40 and Title 67.

On motion, Senate Bill No. 2194 was made to conform with **House Bill No. 2226**.

On motion, House Bill No. 2226, on same subject, was substituted for Senate Bill No. 2194.

**Senate Bill No. 2532** -- Beer -- As introduced, restores language to clarify that the governmental entity, committee or board that issues a beer permit or license is the governmental entity to revoke or suspend such permit or license. Amends TCA Section 57-5-108.

On motion, Senate Bill No. 2532 was made to conform with **House Bill No. 2196**.

On motion, House Bill No. 2196, on same subject, was substituted for Senate Bill No. 2532.

**Senate Bill No. 2550** -- Registers of Deeds -- As introduced, permits any county register of deeds instead of present limitation to county register of deeds in Shelby County to assume certain functions and duties if the register receives endorsement from the existing county records commission or county executive. Amends TCA Title 8, Chapter 13.

On motion, Senate Bill No. 2550 was made to conform with **House Bill No. 2468**.

On motion, House Bill No. 2468, on same subject, was substituted for Senate Bill No. 2550.



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**Senate Bill No. 2627** -- Funeral Directors and Embalmers -- As introduced, extends the date from December 31, 2010, to June 30, 2011, for apprentices and mortuary school students to complete all requirements to become licensed by the board as a funeral director or embalmer. Amends TCA Section 62-5-312.

On motion, Senate Bill No. 2627 was made to conform with **House Bill No. 2407**.

On motion, House Bill No. 2407, on same subject, was substituted for Senate Bill No. 2627.

**Senate Bill No. 2675** -- Sexual Offenses -- As introduced, makes technical changes to clarify the offenses of soliciting sexual exploitation of a minor and exploitation of minor by electronic means to make language consistent and to copy from another section definitions for certain undefined terms. Amends TCA Section 39-13-529.

On motion, Senate Bill No. 2675 was made to conform with **House Bill No. 2656**.

On motion, House Bill No. 2656, on same subject, was substituted for Senate Bill No. 2675.

**Senate Bill No. 2997** -- Sexual Offenders -- As introduced, adds the offense of promoting prostitution to the list of sexual offenses requiring registration under the sex offender registry and adds second offense promoting prostitution to the list of violent sexual offenses. Amends TCA Title 40, Chapter 39, Part 2.

On motion, Senate Bill No. 2997 was made to conform with **House Bill No. 2853**.

On motion, House Bill No. 2853, on same subject, was substituted for Senate Bill No. 2997.

**Senate Bill No. 3055** -- Immigration -- As introduced, clarifies that a tax form, as such term is used in the part, means any form issued by the United States internal revenue service. Amends TCA Title 50, Chapter 1, Part 7.

On motion, Senate Bill No. 3055 was made to conform with **House Bill No. 2467**.

On motion, House Bill No. 2467, on same subject, was substituted for Senate Bill No. 3055.

**Senate Bill No. 3195** -- State Employees -- As introduced, allows state employee upon retirement to keep such employee's photo identification card issued by the state; requires sticker or other designation to be placed on the card; specifies such card may be used as valid photo id for voting purposes. Amends TCA Section 2-7-112 and Title 8.

**Senate Bill No. 3233** -- Industrial Development -- As introduced, includes land, improvements, and machinery used or suitable for use in the production, treatment, processing, or transportation of biofuels and other similar products in the definition of "project" under the provisions governing projects by industrial development corporations. Amends TCA Title 7, Chapter 53.

Senator Overbey declared Rule 13 on **Senate Bill No. 3233**.

**Senate Bill No. 3334** -- Utilities, Utility Districts -- As introduced, authorizes municipal electric system or other governmental utility system to enter into an employment contract for a term not to exceed five years with the superintendent, general manager or chief executive officer of the electric plant. Amends TCA Title 7, Chapter 52.

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On motion, Senate Bill No. 3334 was made to conform with **House Bill No. 3094**.

On motion, House Bill No. 3094, on same subject, was substituted for Senate Bill No. 3334.

**Senate Bill No. 3558** -- Students -- As introduced, requires LEAs to include in student discipline codes a prohibition on students wearing on school grounds during the school day clothing that exposes underwear or body parts in an indecent manner that disrupts the learning environment. Amends TCA Title 49.

**Senate Bill No. 3589** -- Insurance Companies, Agents, Brokers, Policies -- As introduced, allows a charitable organization to calculate reserves using the Annuity 2000 Mortality Table and other interest assumption, or other mortality table; allows organization to maintain a separate Tennessee account; allows the commissioner to designate a later time for the organization to submit an audited report. Amends TCA Title 56, Chapter 52.

Senator Ford declared Rule 13 on **Senate Bill No. 3589**.

On motion, Senate Bill No. 3589 was made to conform with **House Bill No. 3781**.

On motion, House Bill No. 3781, on same subject, was substituted for Senate Bill No. 3589.

**Senate Joint Resolution No. 646** -- Naming and Designating -- Designates May as "Tennessee Jewish Heritage Month".

**Senate Resolution No. 78** -- Court Rules -- Approves amendments and revisions to Tennessee rules of civil procedure.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	31
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**CALENDAR**

Senator Beavers moved that **Senate Bill No. 2350** be placed at the heel of the Calendar for today, which motion prevailed.

**Senate Bill No. 2486** -- Home Improvement Contractors -- As introduced, includes as an element of the offense of theft by a home improvement contractor, or a consumer protection violation, failure to provide a current address to the residential owner until the work to be performed under the contract is completed. Amends TCA Section 39-14-154 and Section 47-18-104.

On motion, Senate Bill No. 2486 was made to conform with **House Bill No. 2281**.

On motion, House Bill No. 2281, on same subject, was substituted for Senate Bill No. 2486.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-154(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1)(A) Fail to refund amounts paid under a contract for home improvement services within ten (10) days of:

(i) The acceptance of a written request for a refund either hand delivered or mailed certified mail return receipt attached;

(ii) The refusal to accept the certified mail sent to the last known address of the home improvement services provider by the residential owner; or

(iii) The return of the certified mail to the residential owner indicating that the addressee is unknown at the address or a similar designation if the provider failed to provide to the residential owner or the United States Postal Service a correct current or forwarding address;

(B) A violation of subdivision (b)(1)(A) is an offense only if:

(i) No substantial portion of the contracted work has been performed at the time of the request;

(ii) More than ninety (90) days have elapsed since the starting date of the contract for home improvement services; and

(iii) A copy of the written request for a refund was sent by the residential owner to the consumer protection division of the office of the attorney general;

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b)(48), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(48) A home improvement services provider:

(A) Entering into a contract for home improvement services without providing to the residential owner in written form:

(1) That it is a criminal offense for the person entering into the contract for home improvement services with a residential owner to do

any of the prohibited acts set out in § 39-14-154(b), by writing out the text of each prohibited act, and providing the penalty and available relief for such; and

(2) The true and correct name, physical address and telephone number of the home improvement services provider; or

(B) Having complied with subdivision (b)(48)(A), failing to provide to the residential owner in written form a correct current or forwarding address if the person changes the physical address initially provided to the residential owner and any or all work to be performed under the contract has not been completed;

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 2281**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2779** -- Traffic Safety -- As introduced, requires a local government to include in any new, existing, or renewed contract involving unmanned traffic enforcement cameras that the contract must conform to any changes in state law. Amends TCA Section 55-8-198.

Senator Overbey declared Rule 13 on **Senate Bill No. 2779**.

On motion, Senate Bill No. 2779 was made to conform with **House Bill No. 2933**.

On motion, House Bill No. 2933, on same subject, was substituted for Senate Bill No. 2779.

Thereupon, **House Bill No. 2933** passed its third and final consideration by the following vote:

Ayes .....	29
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Ford, Gresham, Harper, Haynes, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

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Senator voting no was: Henry--1.

A motion to reconsider was tabled.

Senator Yager moved that **Senate Bill No. 2857** be placed on the Calendar for Monday, April 9, 2012, which motion prevailed.

**Senate Bill No. 2908** -- Municipal Government -- As introduced, removes prohibition on creation of municipal school districts. Amends TCA Section 6-58-112.

Senator Norris declared Rule 13 on **Senate Bill No. 2908**.

Senator Kyle moved that **Senate Bill No. 2908** be placed first on the Calendar for Monday, April 9, 2012, which motion failed by the following vote:

Ayes .....	11
Noes .....	21

Senators voting aye were: Barnes, Berke, Burks, Finney, Ford, Haynes, Henry, Herron, Kyle, Marrero and Stewart--11.

Senators voting no were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Harper, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--21.

Thereupon, **Senate Bill No. 2908** passed its third and final consideration by the following vote:

Ayes .....	20
Noes .....	10

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--20.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Henry, Herron, Kyle and Marrero--10.

A motion to reconsider was tabled.

**PRESENTATION**

Senator Faulk introduced the Honorable Williams Jenkins to the Senate.

**CALENDAR**

**Senate Bill No. 3080** -- Real Property -- As introduced, authorizes any town, city, county, county with a metropolitan government, the state or any not-for-profit to purchase, preserve, and sell development rights. Amends TCA Section 13-7-101 and Section 13-7-201.

On motion, Senate Bill No. 3080 was made to conform with **House Bill No. 2765**.

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On motion, House Bill No. 2765, on same subject, was substituted for Senate Bill No. 3080.

**House Bill No. 2765** passed its third and final consideration by the following vote:

Ayes .....	31
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

**Senate Bill No. 3547** -- Food and Food Products -- As introduced, authorizes the sale of food and food products cooked or produced in a home kitchen if vendor has a sign announcing that a home kitchen was the source of such food or food products. Amends TCA Title 53, Chapter 8, Part 1.

Senator Finney declared Rule 13 on **Senate Bill No. 3547**.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 8, Part 1, is amended by adding the following language as a new, appropriately designated section:

53-8-117.

(a) As used in this section, unless the context otherwise requires:

(1) "Home based kitchen" means a cooking facility located in that person's primary residence;

(2) "Nonpotentially hazardous food" means jam, jellies, candy, dried mixes and other such food that do not meet the definition of potentially hazardous food; and

(3) "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustaceans, or other ingredients which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms, home-canned foods other than jams and jellies, or any food that requires temperature control for safety.

(b) Notwithstanding any law, rule or regulation to the contrary, nonpotentially hazardous food prepared in a home based kitchen may be sold

at that person's personal residence, a community or social event, including church bazaars and festivals, flea markets, or at farmer's markets located in this state.

(c) Persons offering for sale nonpotentially hazardous food prepared in a home based kitchen shall display an eight and one-half inch by eleven inch (8½" x 11") sign with three-fourths inch (¾") font at the place of sale stating: "These food products were made in a private home not licensed or inspected".

(d) Each food product that is sold shall be labeled with the name and address of the person who prepared the food product, the common or usual name of the food product, the date on which the food product was packaged, the net quantity of the food product, the statement "This product was made in a private home not licensed or inspected", and a list of ingredients in descending order of prominence of weight. If any ingredient contains milk, eggs, fish, crustaceans, shellfish, tree nuts, wheat, peanuts, or soybeans, the list of ingredients shall include the common name of the ingredient.

(e) Whenever the commissioner finds that a nonpotentially hazardous food prepared in a home based kitchen is, by reason of microbiological, physical, chemical or allergenic contamination, injurious to the public health, the commissioner may prohibit the sale of such food until the facility in which it was prepared is inspected and found to be in substantial compliance with the regulations for establishments utilizing domestic kitchen facilities for bakery and other nonpotentially hazardous food, and the contamination is eliminated. Any food product prepared in a home based kitchen failing to meet the definition of a "nonpotentially hazardous food" shall immediately be removed from sale.

(f) All nonpotentially hazardous food from a home based kitchen may be distributed as free samples.

(g) An individual who processes nonpotentially hazardous foods in a home based kitchen is encouraged but shall not be required to complete a food safety course and to have their recipes and processes reviewed by a person who is knowledgeable about food processing and who is recognized by the department or a state college or university with a curriculum in food safety as an authority on preparing processed food.

(h) This section shall not prohibit a person from obtaining a regulatory services permit for a domestic kitchen when appropriately applied for and the relative requirements are met.

(i) If a conflict exists between this section and Title 53, Chapter 1, then this section shall control.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Johnson moved to amend as follows:

**AMENDMENT NO. 1 TO AMENDMENT NO. 1**

AMEND by deleting the following language in Section 1:

is amended by adding the following language as a new, appropriately designated section:

and by substituting instead the following language:

is amended by deleting § 53-8-117 in its entirety and by substituting instead the following language:

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

Thereupon, **Senate Bill No. 3547**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	32
Noes . . . . .	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Tracy moved that **Senate Bill No. 3555** be rereferred to the Committee on Calendar, which motion prevailed.

**Senate Bill No. 3567** -- Special License Plates -- As introduced, directs the legend of "Animal Friendly" new specialty license plates to bear "Spay/Neuter"; plates to be issued only after exhaustion of existing stock. Amends TCA Title 55, Chapter 4.

**Senate Bill No. 3567** passed its third and final consideration by the following vote:

Ayes . . . . .	28
Noes . . . . .	0
Present, not voting . . .	2

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Finney, Ford, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Senators present and not voting were: Faulk and Henry--2.

A motion to reconsider was tabled.



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**Senate Bill No. 3608** -- Privacy, Confidentiality -- As introduced, classifies consumer specific energy usage data as a private record. Amends TCA Title 10, Chapter 7, Part 5.

Senator Southerland moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504(a)(20)(A)(iii), is amended by deleting the language "and access codes; and" and by substituting instead the language "access codes, and consumer specific energy usage data except for aggregate monthly billing information; and".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3608**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 3616** -- Regional Authorities and Special Districts -- As introduced, clarifies definition of "authority" in provisions governing regional transportation authorities to include reconstituted authority of Middle Tennessee; removes reference to power of regional transportation authorities to condemn property pursuant to the provisions governing such authorities in furtherance of mass transit and transportation plans. Amends TCA Title 29, Chapter 20 and Title 64, Chapter 8.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting Section 3 of the printed bill and substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 29-20-107(g)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(g)(1)(A) Notwithstanding any provision of this chapter to the contrary, non-governmental independent contractors or other persons or entities that contract with or enter into any agreements with the regional transportation authority, as defined and created in Title 64, Chapter 8, for the provision of commuter rail transit services, facilities, or functions upon a rail line or rail line right-of-way owned and maintained by a governmental entity shall be granted limited tort exposure under this chapter. This grant of limited tort exposure shall be provided only when the non-governmental independent contractors or

other persons or entities are providing by contract or agreement the rail transit services, facilities, or functions that Title 64, Chapter 8 authorizes the regional transportation authority to perform.

(B) In performing or providing such rail transit services, facilities, or functions, the non-governmental independent contractors or other persons or entities are deemed to be the functional equivalent of the regional transportation authority. They are performing or providing these rail transit services, facilities, or functions in the stead of the regional transportation authority and by such are fulfilling a public purpose that is authorized to be performed by the regional transportation authority. The regional transportation authority shall enter into such contracts or agreements because it has been determined by the board of the regional transportation authority to be more cost effective to contract or enter into an agreement for the rail transit services, facilities, or functions. When the regional transportation authority's independent contractor or other person or entity that provides these rail transit services, facilities, or functions is deemed to be the functional equivalent of the regional transportation authority as provided for in this subsection (g), then the regional transportation authority's contracting party or party to the agreement shall have limited tort exposure as long as the regional transportation authority's contracting party or party to the agreement was performing rail transit services, facilities or functions within the scope of work and during the normal course of work of the contract or agreement when the accident occurred. The regional transportation authority's contracting party or party to the agreement will not be afforded any limits to its tort exposure for gross negligence in the performance of the contract or agreement.

(C) For any rail transit accident, occurrence, or act, the limits of tort exposure for the regional transportation authority's contracting party or party to the agreement shall be two million dollars (\$2,000,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and thirty million dollars (\$30,000,000) for bodily injury or death of all persons in any one (1) accident, occurrence, or act arising or that occurred during that time frame. No tort liability limits shall be granted to the non-governmental contractor or other persons or entities that contract with or enter into any agreement with the regional transportation authority for injury to or destruction of property in any accident, occurrence, or act. The regional transportation authority shall maintain, or cause to be maintained, a self insurance retention fund in a minimum amount of one million dollars (\$1,000,000) up to an amount not to exceed two million dollars (\$2,000,000), which shall be utilized as a first fund source for any payment of a tort claim arising from any rail transit accident, occurrence or act that results in bodily injury or death to one (1) or more persons.

SECTION 4. Tennessee Code Annotated, Section 29-20-107, is amended by deleting subdivision (g)(3) in its entirety.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3616**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 3653** -- Environment and Conservation, Dept. of -- As introduced, requires commissioner to establish management systems to achieve goal of issuing permits within 90 days of submission; requires commissioner to prepare efficiency reports; requires notification to applicant within 30 business days if application is incomplete. Amends TCA Title 4, Chapter 3, Part 5 and Title 68.

Senator Southerland moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 5, is amended by adding the following as a new section thereto:

4-3-506.

(a) It is the intent of the general assembly that the Department of Environment and Conservation seek to accomplish making a completeness determination and issuing or denying any permit within the time frames specified by the department's rules and regulations.

(b)(1) The commissioner shall prepare semiannual permitting efficiency reports that include statistics on whether the department has timely acted on permit applications pursuant to the appropriate rule. The reports are due February 1 and August 1 of each year beginning in 2013.

(2) For permit applications that have not met the time frame required by rule, the report must state the reasons for not meeting the time frame. In stating the reasons for not meeting the time frame, the

commissioner shall separately identify delays caused by the responsiveness of the applicant, lack of staff, scientific or technical disagreements, or the level of public engagement.

(3) The report shall specify the number of days from initial submission of the application to the day of determination that the application is complete. The report due August 1 of each year must aggregate the data for the year and assess whether the program or system changes are necessary to achieve the time frame as specified by rule.

(4) The report shall be posted on the department's Web site and electronically submitted to the governor and members of the general assembly.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3653**, as amended, passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 3727** -- Hospitals and Healthcare Facilities -- As introduced, requires board for licensing healthcare facilities to promulgate rules requiring emergency room personnel to be trained in advanced cardiovascular life support by January 1, 2013. Amends TCA Title 68.

Senator Crowe moved to amend as follows:

#### **AMENDMENT NO. 1**

AMEND by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following language as a new, appropriately designated section:

On or before January 1, 2013, the board shall promulgate rules establishing requirements for advanced cardiovascular life support certification for medical personnel who are licensed or certified under Title 63 and who work in an emergency room of a hospital whom the board has determined should have such training.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 3727**, as amended, passed its third and final consideration by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senator Herron moved that **Senate Bill No. 3742** be placed on the Calendar for Monday, April 9, 2012, which motion prevailed.

Mr. Speaker Ramsey moved that **Senate Bill No. 577** be placed at the heel of the Calendar for today, which motion prevailed.

**Senate Bill No. 2302** -- Teachers, Principals and School Personnel -- As introduced, establishes new route to licensure to teach in grades 9-12 for persons who have taught in certain postsecondary institutions. Amends TCA Title 49, Chapter 5, as amended.

Senator Summerville declared Rule 13 on **Senate Bill No. 2302**.

Senator Kelsey declared Rule 13 on **Senate Bill No. 2302**.

Senator Norris declared Rule 13 on **Senate Bill No. 2302**.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 2**

AMEND by redesignating the current amendatory language of Section 1 as subsection (a) and by adding the following as a new subsection (b):

(b) Any person seeking licensure under this section shall be required to submit to a criminal history records check in the same manner required by § 49-5-413. The person seeking licensure shall be required to pay any reasonable costs incurred by the Tennessee Bureau of Investigation in conducting the investigation of the person. Nothing in this section shall require the issuance of a license to a person who has been convicted of any of the offenses listed in § 49-5-417.

Senator Summerville moved that Amendment No. 2 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 17  
Noes . . . . . 13

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Senators voting aye were: Beavers, Bell, Campfield, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--17.

Senators voting no were: Barnes, Berke, Burks, Crowe, Faulk, Finney, Ford, Haynes, Henry, Herron, Kyle, Marrero and Stewart--13.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 3**

AMEND by deleting the language "full-time for two (2) or more years or part-time for four (4) or more years" in Section 1 of the bill in its entirety and by adding the following language at the end of the section:

In order to receive licensure under this section, the person shall be required to have taught at least five (5) full-term, three-hour credit courses within the last five (5) years. In order to satisfy the requirements of this section, the courses taught shall be within the subject area for which the person is seeking licensure.

Senator Summerville moved that Amendment No. 3 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 19  
Noes . . . . . 11

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Haynes, Henry, Herron, Kyle, Marrero and Stewart--11.

On motion of Senator Herron, Amendment No. 4 was withdrawn.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 5**

AMEND by adding the following to the end of the amendatory language of Section 1:

Any person seeking licensure under this section shall be required to provide a notarized statement from the employing postsecondary institution stating the following:

(1) The courses taught by the person and when the person taught such courses;

(2) The person continues to be employed by the institution or, if the person is no longer employed by the institution, that the person left the institution in good standing and the institution would be willing to rehire the person; and

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(3) The person has never been accused of any wrongdoing as an employee of the institution, including, but not limited to, sexual harassment, abuse of students, or dishonest behavior.

Senator Summerville moved that Amendment No. 5 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 17  
Noes . . . . . 14

Senators voting aye were: Beavers, Bell, Campfield, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--17.

Senators voting no were: Barnes, Berke, Burks, Crowe, Faulk, Finney, Ford, Haynes, Henry, Herron, Kyle, Marrero, Overbey and Stewart--14.

Senator Herron moved to amend as follows:

**AMENDMENT NO. 6**

AMEND by redesignating the current amendatory language of Section 1 as subsection (a) and by adding the following as a new subsection (b):

(b) Any applicant for licensure under this section shall be required to submit to a drug test and a refusal to submit to a drug test or a positive confirmed drug test may be a basis for refusing to issue a license. The applicant shall pay the cost of any testing required under this subsection (b). The State Board of Education shall promulgate rules and regulations to effectuate the purposes of this subsection. Nothing in this section be construed to require the licensure of an applicant who has tested positive for the presence of drugs in the applicant's body.

Senator Summerville moved that Amendment No. 6 go to the table, which motion prevailed by the following vote:

Ayes . . . . . 19  
Noes . . . . . 13

Senators voting aye were: Beavers, Bell, Campfield, Crowe, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero, Overbey and Stewart--13.

On motion of Senator Herron, Amendment No. 7 was withdrawn.

Senator Faulk moved to amend as follows:

**AMENDMENT NO. 8**

AMEND by adding the following to the end of the amendatory language of Section 1:

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Any person seeking licensure under this section shall be required to provide a notarized statement from the employing postsecondary institution stating the following:

(1) The courses taught by the person and when the person taught such courses;

(2) The person continues to be employed by the institution or, if the person is no longer employed by the institution, that the person left the institution in good standing and the institution would be willing to rehire the person; and

(3) The person has never been disciplined for any wrongdoing as an employee of the institution, including, but not limited to, sexual harassment, abuse of students, or dishonest behavior.

Pursuant to Rule 39(3), Amendment No. 8 was adopted by the following vote:

Ayes ..... 29  
Noes ..... 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--29.

Senator voting no was: Kelsey--1.

Thereupon, **Senate Bill No. 2302**, as amended, passed its third and final consideration by the following vote:

Ayes ..... 19  
Noes ..... 13

Senators voting aye were: Beavers, Bell, Campfield, Faulk, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--19.

Senators voting no were: Barnes, Berke, Burks, Crowe, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle, Marrero and Stewart--13.

A motion to reconsider was tabled.

**Senate Bill No. 2839** -- Motor Vehicles -- As introduced, increases from three to five days wherein the police, or a towing firm with possession of vehicles in the custody of police, must verify ownership of abandoned, immobile or unattended motor vehicles and notify the last registered owner. Amends TCA Title 55, Chapter 16, Part 1.

Senator Norris declared Rule 13 on **Senate Bill No. 2839**.

On motion, Senate Bill No. 2839 was made to conform with **House Bill No. 3023**.



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On motion, House Bill No. 3023, on same subject, was substituted for Senate Bill No. 2839.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3023** passed its third and final consideration by the following vote:

Ayes .....	30
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

A motion to reconsider was tabled.

**Senate Bill No. 3392** -- Sunset Laws -- As introduced, creates sunrise provision for energy-efficient schools council, June 30, 2013; directs that members may be appointed from lists of qualified persons submitted by interested contractor, architectural and engineering groups including, but not limited to, the board for licensing contractors and the board of examiners for architects and engineers. Amends TCA Title 4, Chapter 29 and Section 49-17-103.

On motion, Senate Bill No. 3392 was made to conform with **House Bill No. 3550**.

On motion, House Bill No. 3550, on same subject, was substituted for Senate Bill No. 3392.

**House Bill No. 3550** passed its third and final consideration by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Joint Resolution No. 689** -- Highway Signs -- "Paul E. Easter Bridge", Midtown interchange on I-40 in Roane County.

Senator Tracy moved to amend as follows:

**AMENDMENT NO. 1**

AMEND by deleting the following language:

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the eastbound bridge spanning Interstate 40 on

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State Route 29 (Pine Ridge Road) at the Midtown interchange (Exit 350) on Interstate 40 in Roane County is hereby designated the "Paul Easter Bridge".

and by substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that the eastbound bridge spanning Interstate 40 on State Route 29 (Pine Ridge Road) at the Midtown interchange (Exit 350) on Interstate 40 in Roane County is hereby designated the "Paul E. Easter Bridge".

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Joint Resolution No. 689**, as amended, was adopted by the following vote:

Ayes .....	32
Noes .....	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**Senate Bill No. 2350** -- Arrests -- As introduced, requires an officer to arrest drivers involved in accidents resulting in serious bodily injury or death when such drivers lack a valid driver license and evidence of financial responsibility; prohibits the issuance of a citation in lieu of arrest in such circumstances. Amends TCA Title 39; Title 40; Title 55, Chapter 10; Title 55, Chapter 12; Title 55, Chapter 50 and Title 55, Chapter 8.

On motion, Senate Bill No. 2350 was made to conform with **House Bill No. 2466**.

On motion, House Bill No. 2466, on same subject, was substituted for Senate Bill No. 2350.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

On motion of Senator Beavers, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2466** passed its third and final consideration by the following vote:

Ayes .....	21
Noes .....	10

Senators voting aye were: Beavers, Bell, Berke, Campfield, Crowe, Gresham, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--21.

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Senators voting no were: Barnes, Burks, Finney, Ford, Harper, Haynes, Henry, Herron, Kyle and Marrero--10.

A motion to reconsider was tabled.

Senator Stewart moved that **Senate Bill No. 577** be rereferred to the Committee on Calendar, which motion prevailed.

**MESSAGE CALENDAR**

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 3385** -- Sunset Laws -- As introduced, extends Tennessee motor vehicle commission, June 30, 2015. Amends TCA Title 4, Chapter 29 and Title 55, Chapter 17, Part 1.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-237(a), is amended by adding the following as a new, appropriately designated subdivision:

( ) Tennessee motor vehicle commission, created by § 55-17-103;

Senator Bell moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3385**, which motion prevailed by the following vote:

Ayes .....	31
Noes .....	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

Senator voting no was: Herron--1.

A motion to reconsider was tabled.

**SENATE BILL ON HOUSE AMENDMENT**

**Senate Bill No. 3447** -- Libraries -- As introduced, adds Cocke, Hawkins, Hamblen and Hancock Counties to the Watauga regional library and changes region's name to the Holston River regional library. Amends TCA Section 10-1-112.

**HOUSE AMENDMENT NO. 1**

AMEND by deleting the effective date section and by substituting instead the following:

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

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Senator Southerland moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 3447**, which motion prevailed by the following vote:

Ayes . . . . . 32  
Noes . . . . . 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

**MOTION**

Senator Ketron moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 845**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 845** -- Memorials, Recognition -- Middle Tennessee State University, 100th anniversary.

On motion of Senator Ketron, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 845** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Ketron moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 848**, out of order, which motion prevailed.

**RESOLUTION LYING OVER**

**House Joint Resolution No. 848** -- Memorials, Retirement -- Woody Harrell.

On motion of Senator Ketron, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 848** was concurred in.

A motion to reconsider was tabled.

**MOTION**

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **House Joint Resolutions Nos. 649 and 664** on the calendar for the Committee on State and Local Government for Tuesday, April 3, 2012, which motion prevailed.

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**RECALL OF BILL**

On motion of Senator McNally, **Senate Bill No. 3310** was recalled from the Committee on Finance, Ways and Means.

**REFERRAL OF BILL**

Senator McNally moved that Senate Bill No. 3310 be referred to the Committee on Calendar, which motion prevailed.

**NOTICES**

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 673, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1252, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2313, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2718, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MONDAY, APRIL 2, 2012 -- 66TH LEGISLATIVE DAY**

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2551, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 572, amended, and concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**RECALL OF BILL**

On motion of Senator Overbey, **Senate Bill No. 2765** was recalled from the Committee on Judiciary.

**WITHDRAWAL OF BILL**

On motion of Senator Overbey, Senate Bill No. 2765 was withdrawn from the Senate.

**RECALL OF BILL**

On motion of Senator Faulk, **Senate Bill No. 1508** was recalled from the Committee on Calendar.

**WITHDRAWAL OF BILL**

On motion of Senator Faulk, Senate Bill No. 1508 was withdrawn from the Senate.

**MOTION**

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 577**.

On motion of Senator Gresham, her name was added as prime sponsor of **Senate Bill No. 1923**.

On motion of Senator Woodson, her name was removed as sponsor of **Senate Bill No. 1923**.

On motion of Senators Roberts and Tracy, their names were added as sponsors of **Senate Bill No. 2350**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bills Nos. 2438, 3762 and 3763; and Senate Joint Resolution No. 702**.

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On motion of Senators Burks and Harper, their names were added as sponsors of **Senate Bill No. 2486**.

On motion of Senator Overbey, his name was added as sponsor of **Senate Bills Nos. 2675 and 3653**.

On motion of Senator Henry, his name was added as sponsor of **Senate Bills Nos. 2773, 3288 and 3743**.

On motion of Senator Campfield, his name was added as sponsor of **Senate Bill No. 2933**.

On motion of Senator Herron, his name was added as sponsor of **Senate Bill No. 3195; and Senate Joint Resolution No. 715**.

On motion of Senators Barnes, Burks and Haynes, their names were added as sponsors of **Senate Bill No. 3375**.

On motion of Mr. Speaker Ramsey; and Senators Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson and Yager, their names were added as sponsors of **Senate Bill No. 3547**.

On motion of Senator Ford, her name was added as sponsor of **Senate Bills Nos. 3567 and 3727**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bill No. 3599; and Senate Joint Resolution No. 712**.

On motion of Senators Finney, Herron, Kelsey and Kyle, their names were added as sponsors of **Senate Joint Resolution No. 646**.

On motion of Senators Faulk, Norris and Overbey, their names were added as sponsors of **Senate Joint Resolution No. 721**.

On motion of Senator Kyle, his name was added as sponsor of **Senate Resolution No. 78; and House Joint Resolution No. 822**.

On motion of Senators Southerland and McNally, their names were added as sponsors of **House Joint Resolution No. 734**.

On motion of Senators Burks and Crowe, their names were added as sponsors of **House Joint Resolution No. 811**.

On motion of Senator Southerland, his name was added as sponsor of **House Joint Resolutions Nos. 813, 825 and 827**.

On motion of Senators Ford and Herron, their names were added as sponsors of **House Joint Resolution No. 814**.

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On motion of Senators Kyle and Norris, their names were added as sponsors of **House Joint Resolution No. 815**.

On motion of Senator Faulk, his name was added as sponsor of **House Joint Resolutions Nos. 819 and 820**.

On motion of Senators Crowe, Ford, Ketron, Tracy and Watson, their names were added as sponsors of **House Joint Resolution No. 826**.

On motion of Senators Ketron, Tracy, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 845**.

On motion of Senators Henry, Gresham, Herron, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Harper, Haynes, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **House Joint Resolution No. 848**.

**ENGROSSED BILLS**

April 2, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2302, 2908, 3195, 3233, 3547, 3567, 3608, 3616, 3653 and 3727; and Senate Joint Resolutions Nos. 646, 689, 712, 713, 714, 715, 716, 717, 718, 719, 720 and 721; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2237 and 2466, passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 3, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1105, 2847, 2998, 3373, 3581, 3633, 3792, 3841, 3846, 3857, 3863 and 3866; passed by the House.

JOE MCCORD,  
Chief Clerk.



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**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 848, adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 3, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 623, 695, 712, 713, 724, 742, 743, 744, 823, 842 and 846; adopted, for the Senate's action.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2166, 2707, 2785, 3123 and 3556; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2235, 2341, 2566 and 3283; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3558, substituted for House Bill on same subject and passed by the House.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 674, 702, 705, 706, 707 and 708; concurred in by the House.

JOE MCCORD,  
Chief Clerk.

**MONDAY, APRIL 2, 2012 -- 66TH LEGISLATIVE DAY**

**ENROLLED BILLS**

April 3, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 2166, 2235, 2341, 2566, 2707, 2785, 3123, 3283, 3385, 3447, 3556 and 3558; Senate Joint Resolutions Nos. 674, 702, 705, 706, 707 and 708; and Senate Resolution No. 78; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,  
Deputy Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 2, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2236, 2292, 2475, 2644, 2669, 2682, 2793, 2878, 3026, 3481, 3518, 3833, 3840, 3842, 3847, 3852, 3853 and 3856; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 3, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2196, 2226, 2407, 2466, 2467, 2468, 2656, 2765, 2853, 2933, 3023, 3094, 3550 and 3781; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 3, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 811, 813, 814, 815, 819, 820, 821, 822, 825, 826, 827, 845 and 848; for the signature of the Speaker.

JOE MCCORD,  
Chief Clerk.

**SIGNED**

April 2, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 2140, 2625, 2910 and 3588.

**SIGNED**

April 3, 2012

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 674, 702, 705, 706, 707 and 708; and Senate Resolution No. 78.

**MONDAY, APRIL 2, 2012 -- 66TH LEGISLATIVE DAY**

**SIGNED**

April 3, 2012

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 811, 813, 814, 815, 819, 820, 821, 822, 825, 826, 827, 845 and 848.

**MESSAGE FROM THE HOUSE**

April 3, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2140, 2625, 2910 and 3588; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE HOUSE**

April 3, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 674, 702, 705, 706, 707 and 708; signed by the Speaker.

JOE MCCORD,  
Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

April 2, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 523, 697, 698, 699 and 724; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

April 2, 2012

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 672, 673, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 691, 692, 694 and 695; with his approval.

HERBERT H. SLATERY III,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 4, 2012: Senate Joint Resolutions Nos. 722, 723 and 726; Senate Resolution No. 92; and House Joint Resolutions Nos. 828, 829, 831, 832, 833, 834, 835, 836, 837, 838 and 845.

This the 2nd day of April, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, April 4, 2012: Senate Bills Nos. 1864, 2342, 2492, 2610, 2735, 2754, 2811, 2821, 2870, 2871, 2916, 2923, 3227, 3282, 3397, 3452, 3502 and 2563.

This the 2nd day of April, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 5, 2012: Senate Bills Nos. 2241, 2962, 3262 and 3424.

This the 3rd day of April, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
LOCAL BILL  
CONSENT CALENDAR**

Pursuant to Rule 26, the following bill has been set on the Consent Calendar for Thursday, April 5, 2012: Senate Bill No. 3791.

This the 3rd day of April, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, April 5, 2012: Senate Bills Nos. 2206, 2212, 2240, 2277, 2289, 2324, 2401, 2496, 2678, 2684, 2699, 2778, 2912, 2955, 3074, 3096, 3137, 3216, 3310, 3387, 3403, 3460, 3576, 3581, 3759 and 3535; and House Bill No. 3539.

This the 3rd day of April, 2012.  
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR  
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Thursday, April 5, 2012: Senate Bills Nos. 673, 1252, 2313, 2551, 2609, 2718, 2723 and 2838; and Senate Joint Resolution No. 572.

This the 3rd day of April, 2012.  
MIKE FAULK, Chairperson.

**MONDAY, APRIL 2, 2012 -- 66TH LEGISLATIVE DAY**

**ADJOURNMENT**

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, April 4, 2012, which motion prevailed.